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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,030	11/08/2000	Donald F. Gordon	19880-003700	2569
26291	7590	11/30/2004	EXAMINER	
MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			LONSBERRY, HUNTER B	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/709,030	Applicant(s) GORDON ET AL.	
	Examiner Hunter B. Lonsberry	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 5, 7, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,173,330 to Guo.

Regarding claim 1, Guo discloses a method for maintaining records of information related to an interactive program guide provided via a plurality of IPG pages (column 3, line 61-column 4, line 14), the method comprising:

forming a plurality of record elements (column 5, lines 17-37), wherein each record element is associated with a respective IPG page received at a terminal (column 5, lines 17-37, column 17, line 41- column 18, line 9).

Guo inherently includes a first field indicative of a specific one of the plurality of IPG pages corresponding to the associated IPG page, as Guo shows in figure 5, that foundation pages, and schedule listing/description pages all carry different types of data, thus a field is required in order for a receiver to know where to place each type of data within an EPG screen.

Regarding claim 3, Guo discloses that new record elements are inserted for each data page received (column 17, lines 56-column 18, line 7).

Regarding claims 5 and 7, Guo lists that PIDs correspond to each IPG program record page (column 3, lines 61-column 4, line 2, column 5, lines 17-51, column 18, lines 1-8), and that a display IPG consists of a plurality of IPG pages including description pages for a record (column 5, lines 20-27, column 18, lines 1-8).

Regarding claim 10, Guo discloses that the records are generated at a server 916 of an information distribution system (Figure 9, column 15, lines 36-67).

Regarding claim 11, Guo discloses that the records may be generated as trickle data for transmission to a user (column 15, line 64-column 16, line 15).

Regarding claim 12, Guo discloses that the data may be transmitted from the server via a data stream (column 16, lines 21-24).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,844,620 to Coleman.

Regarding claim 18, Coleman discloses, a terminal (Figure 2) operable to process information for an IPG provided via a plurality of IPG pages (column 13, lines 37-47, column 14, lines 52-67),

the terminal comprising:

a controller 36 coupled to memory manager 48 configured to receive a selection for a particular IPG page (column 13, line 62-column 14, line 7),

determine whether the selected IPG page is currently received at the terminal (column 14, lines 7-22), and if the selected IPG page is currently received at the terminal, identify one or more packet identifiers used for the selected IPG page (column 14, lines 30-62); and

a video decoder 52 operatively coupled to the controller and configured to process the one or more identified PIDs to form the selected IPG page (column 14, lines 30-46).

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Regarding claim 19, Coleman discloses that a request is generated for transmission on a demand stream if the selected IPG page is not stored at the terminal (column 6, lines 30-47, column 14, lines 2-22).

Regarding claim 20, Coleman discloses a memory unit 50, configured to store a plurality of record elements associated with a respective IPG page (column 7, lines 44-57, column 13, line 57-column 14, line 13, lines 30-41).

Regarding claim 21, Coleman discloses that each foundation IPG page includes a plurality of defined regions (column 18, lines 27-47) and wherein each record element identifies one or more PIDs used to send one or more respective regions of the selected IPG page (column 14, lines 20-41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,173,330 to Guo.

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Regarding claim 8, Guo lists that PIDs correspond to each IPG program record page (column 3, lines 61-column 4, line 2, column 5, lines 17-51, column 18, lines 1-8).

Guo fails to disclose a field in a record referencing a data PID.

The examiner takes official notice that the use of a PID associated with Data, such as Internet/web data is notoriously well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Guo to utilize a PID associated with Data, thus facilitating the rapid selection of a requested transport stream.

Regarding claim 13, Guo lists that PIDs correspond to each IPG program record page (column 3, lines 61-column 4, line 2, column 5, lines 17-51, column 18, lines 1-8).

Guo fails to disclose the use of a PMT, which identifies PIDs for IPG data.

The examiner takes official notice that the use of a PMT, which identifies a guide PID in an MPEG 2 formatted stream, is notoriously well known in the art. MPEG 2 transmission provides a higher quality picture and enables the transmission of multiple data types.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Guo to utilize a PMT which references a PID associated with guide data, thus facilitating the rapid selection of a requested transport stream and enabling the transmission of guide data within an MPEG 2 formatted stream.

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4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,173,330 to Guo in view of U.S. Patent 6,728,966 to Arsenault.

Regarding claims 2 and 4, Guo discloses a method for transmitting EPG data.

Guo does not disclose updating the records to reflect changes in EPG pages and removing existing record elements for a page previously but no longer received at the terminal.

Arsenault discloses that EPG objects may be updated and that previous objects associated with previously displayed shows may be removed to conserve memory and create a flexible and memory efficient storage system (column 9, lines 41-54).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Guo to update the EPG database and delete records corresponding to previously broadcasted shows, in order to conserve memory in a receiver and provide a flexible and memory efficient storage system.

5. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,173,330 to Guo in view of U.S. Patent 6,802,074 to Mitsui.

Regarding claims 6 and 9, Guo discloses an EPG, which utilizes PIDs to carry data records.

Guo is silent regarding the use of fields identifying PIDs for audio and video streams.

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Mitsui discloses referencing an EPG to find a PAT, which then identifies the corresponding PIDs for video and audio streams for a broadcast program (column 7, lines 17-44).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Guo's program records to reference the location of each programs video and audio streams as taught by Mitsui in order to enable a receiver to rapidly tune to the proper transport stream.

6. Claims 14-17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,844,620 to Coleman in view of U.S. Patent 6,526,577 to Knudson.

Regarding claim 14, Coleman discloses method for providing information for an interactive program guide wherein the IPG is provided via a plurality of IPG pages (column 7, lines 43-53column 14, lines 42-52), the method comprising:

Generating a request for a particular IPG page (column 6, lines 39-43, column 18, lines 27-47);

assigning a packet identifier (PID) for the IPG pages (column 43-52)

transmitting the IPG pages to a requesting terminal via the assigned PID (column 6, lines 30-47);

generating a record element indicative of the transmitted IPG page (column 14, lines 63-66); and

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transmitting the record element to the requesting terminal (column 14, lines 30-62).

Coleman fails to disclose receiving a request for IPG data at a server, but instead retrieves the requested data from a recurring data stream.

Knudson discloses a client server IPG environment, in which a user device may issue SQL queries for IPG information to a remote server (column 5, lines 4-39, 57-column 6, line 16).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Coleman to transmit the requested data as taught by Knudson, thus providing a user with IPG data without having to wait for data on a cyclical stream to be updated.

Regarding claims 15, Coleman discloses that the IPG page includes a plurality of regions (foundation and schedule/title records, column 14, lines 52-62), and that a request may be for a region on the IPG page (column 6, lines 30-47).

Regarding claim 16, Coleman discloses that the request may be for program listings (column 6, lines 30-47).

Regarding claim 17, Coleman discloses that the requested region comprises a video for a video region of the IPG page (Figure 8, column 22, lines 58-67).

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Regarding claim 22, Coleman discloses a system operable to provide information for an interactive program guide (Figure 1), wherein the IPG is provided via a plurality of IPG pages, the system comprising:

a transport stream generator 20 coupled to IPG data processor 20 and configured to assign a packet identifier for the IPG pages (column 6, lines 17-37, column 7, lines 20-27, 42-50),

transmit the requested IPG page to a terminal via the assigned PID (column 6, lines 12-14),

generating a record element indicative of the transmitted IPG page (column 14, lines 63-66); and

transmitting the record element to the requesting terminal (column 14, lines 30-62).

Coleman fails to disclose receiving a request for IPG data at a server and utilizing a session manager, but instead retrieves the requested data from a recurring data stream.

Knudson discloses a client server IPG environment, in which a user device may issue SQL queries for IPG information to a remote server, which manages request for a program guide database 25 (column 5, lines 4-39, 57-column 6, line 16).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Coleman to transmit the requested data as taught by Knudson, thus providing a user with IPG data without having to wait for data on a cyclical stream to be updated.

Conclusion

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL


CHRIS GRANT
PRIMARY EXAMINER